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OFFICE OF PETITIONS

In re Application of
Bruce N. Rogers, et al.
Application No. 10/808,125
Filed: March 24, 2004
Attorney Docket No. PC27966A

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed by July 15, 2005, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned for failure to timely respond to a Notice to File Missing Parts mailed June 7, 2004. The notice required an oath or declaration under 37 CFR 1.63 and the surcharge as set forth in 37 CFR 1.16(e). A Notice of Abandonment was mailed on February 18, 2005. In response, on July 15, 2005, the present petition was filed, as well as an executed Declaration using an Application Data Sheet (ADS) and the requisite surcharge.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Although the statement contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement will be construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

The application is being referred to the Office of Initial Patent Examination (OIPE) for further processing using the declaration filed July 15, 2005.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4000.

Sherry D. Brinkley
Sherry D. Brinkley
Petitions Examiner
Office of Petitions